

Message Text

CONFIDENTIAL

PAGE 01 USUN N 00315 300030Z

63

ACTION DLOS-06

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 CG-00 AF-10 ARA-16

NEA-11 RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

CEQ-02 COA-02 COME-00 EB-11 EPA-04 NSF-04 SCI-06

FEA-02 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 OIC-04 DRC-01 /270 W

----- 126481

R 292333Z JAN 74

FM USMISSION USUN NY

TO SECSTATE WASHDC 2507

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TOKYO

C O N F I D E N T I A L USUN 315

E.O. 11652: GDS

TAGS: PBOR UN

SUBJ: LOS, GROUP OF 5 CONSULTATIONS ON RULES OF PROCEDURE

REF: (A) USUN 222; (B) USUN 292

SUMMARY: GROUP OF 5 CONTINUED CONSULTATIONS 29 JAN ON TEXT OF AMENDMENT TO RULES OF PROCEDURE REFLECTING GENTLEMEN'S AGREEMENT. GROUP DECIDED NOT TO SUBMIT FORMALLY ANY TEXT FOR TIME BEING BUT UK AND JAPAN WILL REMIND CONF PRESIDENT THAT NOTICE OF GENTLEMEN'S AGREEMENT MUST BE INCLUDED WITH RULES AND THIS FACT MUST BE KEPT UNDER CONSIDERATION DURING CONSULTATIONS. END SUMMARY.

1. GROUP OF 5 HELD CONSULTATIONS 29 JAN TO REVIEW ATTITUDES TOWARD DRAFT RESOLUTION ON RULES OF PROCEDURE ENCOMPASSING
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PAGE 02 USUN N 00315 300030Z

GENTLEMEN'S AGREEMENT. THREE TEXTS WERE CONSIDERED: (A)

TEXT DATED 13 DEC, (REPEATED BELOW)? (B) PRESIDENT'S (OR JAPANESE) TEXT (REFTEL A); AND (C) ALTERNATIVE VERSION (REFTEL B).

2. UK (JAMIESON) STATED VIEW THAT VERSIONS (A) AND (B) WENT FURTHER THAN ANYTHING CONF WOULD ACCEPT AND INDICATED WILLINGNESS OF UK TO CO-SPONSOR VERSION (C). HOWEVER, UK BELIEVES ACCEPTANCE OF THIS FORMULA NECESSITATES SATISFACTORY VERSION OF RULE 37, AND THEY WILL SUBMIT FOLLOWING FORMULATION OF RULE 37, BY 31 JAN: QUOTE THE PRESIDENT SHALL, THROUGH SUCH CONSULTATIONS AS HE CONSIDERS APPROPRIATE, ENDEAVOR TO ENSURE THAT EVERY EFFORT IS MADE TO REACH AGREEMENT ON SUBSTANTIVE MATTERS BY CONSENSUS. TO THAT END, THE PRESIDENT MAY DEFER VOTING ON ANY SUBSTANTIVE QUESTION FOR A REASONABLE AND STATED TIME, HAVING REGARD TO ALL THE CIRCUMSTANCES AND WITHOUT CAUSING UNDUE DELAY, IF HE IS NOT SATISFIED THAT ALL SUCH EFFORTS HAVE BEEN EXHAUSTED. AT THE END OF THAT PERIOD, IF AGREEMENT HAS NOT BEEN REACHED, THE CONF SHALL PROCEED TO A VOTE UNLESS IT DECIDES OTHERWISE. UNQUOTE. USUN MISOFF SUGGESTED APPROPRIATE 2/3 MAJORITY BE SPECIFIED IN LAST SENTENCE AND UK AGREED TO MAKE NECESSARY CHANGE. JAMIESON ADDED VIEW THAT VERSION (C) WOULD PROVIDE A "LONG STOP" IF FINAL RULES WERE NOT EVERYTHING WE SOUGHT, AND HE DOES NOT BELIEVE VERSION (C) WOULD PREJUDICE ANY POSITION ON ANY AMENDMENTS TO RULES.

3. SOVS (SMIRNOV) SAID THEIR UNDERSTANDING THAT VERSION (C) WOULD BE USED ONLY AS A LAST COMPROMISE POSITION IF US AND SOV AMENDMENTS WERE NOT ACCEPTED. SOVS BELIEVE EFFORT SHOULD BE CONCENTRATED ON GAINING ACCEPTANCE OF US AND SOV AMENDMENTS; SUBMISSION OF ANY RES ON GENTLEMEN'S AGREEMENT AT THIS TIME WOULD HARM CHANCES OF WINNING ACCEPTANCE OF AMENDMENTS. WHEN RES IS SUBMITTED SOVIETS "WOULD PREFER" (A) AND WOULD USE (B) AS FALL-BACK POSITION. (COMMENT: SMIRNOV DID NOT APPEAR TO EXCLUDE (C) AS EVENTUAL RESULT. END COMMENT)

4. JAPANESE (OGISO) NOTED THAT WHILE IT WAS NOT NECESSARY TO SUBMIT DRAFT RES BEFORE DEADLINE OF 31 JAN, IT MIGHT BE SAFER TO DO SO TO AVOID CONTROVERSY LATER ON. JAPAN WILL NOT SUBMIT VERSION (B) UNLESS OTHERS WILL COSPONSOR. CONFIDENTIAL

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PAGE 03 USUN N 00315 300030Z

IF US, UK AND FRANCE WILL COSPONSOR (C) THEY WILL ALSO CO-SPONSOR IT BUT WITH CLEAR UNDERSTANDING THAT THEY ARE FREE TO SUPPORT ANY OTHER AMENDMENTS TO RULES, "FOR EXAMPLE, SOVIET AMENDMENTS".

5. FRANCE (SCALABRE) SAID THEY PREFER VERSION (A) OR (B) BUT MIGHT BE ABLE TO ACCEPT (C) PROVIDED RULES WERE SATISFACTORY AND TANZANIAN AMENDMENTS TO RULES 28 AND 37,

IN PARTICULAR, WERE DEFEATED. FRANCE DOES NOT FAVOR
SUBMITTING ANY RES AT THIS TIME, PREFERRING TO WAIT UNTIL
CONSULTATIONS ARE UNDERWAY IN FEB.

6. MISOFF, SPEAKING PERSONALLY, COUNTERED SOV ARGUMENT
THAT RES WOULD ADVERSELY AFFECT ACCEPTANCE OF AMENDMENTS
TO RULES BUT POSED QUESTION WHETHER SUBSTANCE OF VERSION
(C), WHICH ALREADY HAS OUTSIDE SUPPORT, MIGHT NOT
GET SIDER ACCEPTANCE DURING INFORMAL CONSULTATIONS RATHER THAN
AS FORMAL DOCUMENT WITH US AND OTHER NAMED MARITIME POWERS
AS COSPONSORS. LDEALLY, FOR EXAMPLE, TEXT OF (C) MIGHT BE
INTRODUCED BY CONF PRESIDENT AS COMPROMISE DOCUMENT.

7. UK AND JAP AGREED WITH FOREGOING; FRENCH AND
SOVIETS URGED DELAY IN SUBMITTING ANY RES AT TH
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